

875—218.304(91D) Primary duty.

218.304(1) For a general explanation of the term “primary duty” see the discussion of this term under “executive” in rule 218.103(91D). See also the discussion under “administrative” in rule 218.206(91D).

218.304(2) The “primary duty” of an employee as a teacher must be that of activity in the field of teaching. Mere certification by the state, or employment in a school will not suffice to qualify an individual for exemption within the scope of 218.3(1) “c” if the individual is not in fact both employed and engaged as a teacher. The words “primary duty” have the effect of placing major emphasis on the character of the employee’s job as a whole. Therefore, employment and engagement in the activity of imparting knowledge as a primary duty shall be determinative with respect to employment within the meaning of the exemption as “teacher” in conjunction with the other requirements of rule 218.3(91D).

SOURCE: 29 CFR 541.304.